

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff

v.

MICKEY VALCUE POLK,

Defendant;

AMIE KILCUP,

Third Party Petitioner.

NO. CR12-5466BHS

**STIPULATED SETTLEMENT
AGREEMENT**

IT IS HEREBY STIPULATED by and between Plaintiff, United States of America, by and through the undersigned counsel, and Third Party Petitioner, Amie Kilcup (hereinafter sometimes referred to as "Petitioner Kilcup"), *pro se*, to compromise and settle Kilcup 's claim of interest to the following property:

A Ruger SR9c semi-automatic handgun with serial number 332-12804, (hereinafter referred to as "the subject firearm.")

On June 17, 2013, this Court entered a Preliminary Order of Forfeiture, forfeiting Defendant Mickey Valcue Polk's interest in the subject property, pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), for violation of Title 18, United States Code, Section 922(g)(1). (*See* Docket No. 35.)

Thereafter, the United States served notice upon all persons and entities believed to have an interest in the forfeited property pursuant to Title 21, United States Code, Section 853(n), and notice of the action was published on www.forfeiture.gov, for at least thirty (30) consecutive days, beginning with June 30, 2013. (*See* Docket No. 40.)

1 On March 12, 2014, Amie Kilcup filed a Petition asserting an interest in the subject
2 firearm. (*See* Docket No. 47.)

3 No other person or entity has filed a petition asserting an interest in the subject
4 firearm and the time to do so has expired.

5 This stipulated settlement agreement is entered into between the parties pursuant to
6 the following terms:

7 1. The parties to this Agreement hereby stipulate that Petitioner Kilcup has an
8 interest in the subject firearm.

9 2. The United States and Third Party Petitioner Kilcup agree to settle her Petition
10 by returning the subject firearm to Amie Kilcup.

11 3. Third Party Petitioner Kilcup agrees to release and hold harmless the
12 United States, the United States Department of Justice, the United States Department of
13 Justice, Federal Bureau of Investigation, and any and all agents, servants, and employees of
14 the United States and its agencies, acting in their individual or official capacities, from any
15 and all claims by Petitioner Kilcup, and/or her representatives, agents, heirs, successors, and
16 assigns, which currently exist or which may arise as a result of the search and seizure of the
17 subject firearm, this forfeiture action against the subject firearm.

18 4. Petitioner Kilcup agrees that this stipulated settlement agreement shall
19 constitute full settlement and satisfaction of any and all claims by Petitioner Kilcup to the
20 subject firearm, resulting from the incidents or circumstances giving rise to this action.

21 5. Petitioner Kilcup understands and agrees that by entering into this Settlement
22 Agreement, she waives any right to litigate further any interest in the subject firearm, or any
23 right to petition for remission or mitigation of its forfeiture.

24 6. Petitioner Kilcup understands and agrees that this Settlement Agreement does
25 not make her a “prevailing party” in this action. Each party to the Settlement Agreement
26 agrees to bear its own costs and attorneys’ fees.

7. The terms of this Settlement Agreement shall be subject to approval by the United States District Court for the Western District of Washington, and the Court shall retain jurisdiction to enforce those terms.

Respectfully submitted,

JENNY A. DURKAN
United States Attorney

Dated: 6/13/14

s/Richard E. Cohen

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Dated: 6/12/14

s/Amie Kilcup

AMIE KILCUP
Third Party Petitioner
12401 66TH Ave. Ct. E.
Puyallup, WA 98373

ORDER

Based upon the foregoing stipulation of the parties, this Stipulated Settlement Agreement is hereby APPROVED.

DATED this 13th day of June, 2014.



BENJAMIN H. SETTLE
United States District Judge